Berg, Elizabeth

From:

RHines@fbm.com

Sent:

Tuesday, May 07, 2013 4:12 PM

To:

Berg, Elizabeth; david_batson@verizon.net

Cc:

vthorne@coca-cola.com; cairving@coca-cola.com

Subject:

RE: Yosemite Slough Meeting Thurs. May 9 at 10am -- Agenda and Call-in number

Attachments:

image001.jpg; 2013-05-07 Letter to Abhik Dutta regarding General Notice of Potential

....pdf

Colleagues – following up on Campbell's email below, attached is our letter with the information requested by U.S. EPA. The original is in the mail to Mr. Dutta.

I look forward to seeing you Thursday. Thanks.

Best regards, **Buzz Hines**

Robert L. Hines

Partner

rhines@fbm.com 415.954.4935

Russ Building 235 Montgomery Street San Francisco / CA94104

15.954.4480 www.fbm.com

From: Campbell Irving [mailto:cairving@coca-cola.com]

Sent: Tuesday, May 07, 2013 5:19 AM

To: Cox, Elizabeth; david batson@verizon.net Cc: Hines, Buzz (25) x4935; Vail T. Thorne

Subject: RE: Yosemite Slough Meeting Thurs. May 9 at 10am -- Agenda and Call-in number

Thanne and David -

This is Campbell Irving from The Coca-Cola Company. I wanted to let you know that while I will not be in attendance on Thursday, our outside counsel Buzz Hines from Farella Braun and Martel will be attending as our legal representative. Mr. Hines's e-mail is included in this message in case you'd like to direct any communications to him concerning the meeting this week or any future discussions. I would ask, if it isn't too much trouble, to also be included in those correspondences so that I can help Mr. Hines is his representation.

Thank you very much.

Campbell Irving

The Coca-Cola Company

From: Cox, Elizabeth [mailto:Cox.Elizabeth@epa.gov]

Sent: Monday, May 06, 2013 9:21 PM

To: allen.j.danzig@sherwin.com; bwick@ww-envlaw.com; dpc@costalaw.net; Elaine M O'Neil; JChen@bdlaw.com; Jim.Thomas@dla.mil; kathryn.colson@slc.ca.gov; ktobias@parks.ca.gov; mark.a.zuschek@exxonmobil.com; Mark.Rigau@usdoj.gov; NvanAelstyn@bdlaw.com; robert.w.jackmore@exxonmobil.com; www.klgates.com; <u>david.alderson@doj.ca.gov</u>; Shari.Posner@doj.ca.gov; Campbell Irving; KEhrlich@JMBM.com; victormarquezesq@aol.com

Cc: david batson@verizon.net; Cooper, Craig

Subject: Yosemite Slough Meeting Thurs. May 9 at 10am -- Agenda and Call-in number

Counselors:

Below is the agenda for the meeting this Thursday and the call-in number if you will not be able to attend in person. The meeting room will be made available to the PRPs for a pre-meeting starting at 9:30. The EPA/PRP meeting will begin at 10am.

Agenda topics

- EPA's Revised PRP Search
- EPA's Recommended Cleanup Alternative and Update from the Technical Stakeholders Committee meeting
- Next Steps and Schedule

Conference Call-in number: 866-299-3188

Access Code: 2025645103

Please let me and David Batson know if you intend to participate by phone or in person. I will need a list of all of the attendees to give to security by mid-day Wednesday. Also, please remember to bring identification and be aware that you will have to go through a metal detector before entering our offices. The Federal Protective Service has taken over security at the building recently; this may make the check-in process slower.

Thank you,
Thanne Berg
US EPA Region 9
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
cox.elizabeth@epa.gov

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Farella Braun + Martel LLP

This Email message contained an attachment named image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name

extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

FARELLA BRAUN+MARTEL LLP

Attorneys At Law

Russ Building / 235 Montgomery Street San Francisco / CA 94104

T 415.954.4400 / F 415.954.4480 www.fbm.com

ROBERT L. HINES rhines@fbm.com D 415.954.4935

May 7, 2013

Via Email (pdf) and Regular Mail

Abhik Dutta, Civil Investigator U.S. EPA, Region 9 75 Hawthorne Street, SFD-7-5 San Francisco, CA 94105

Re: General Notice of Potential Liability, Yosemite Creek Superfund Site

San Francisco County, California

Dear Mr. Dutta:

On behalf of The Coca-Cola Company, specifically Coca-Cola Refreshments USA, Inc. ("CCR USA"), this letter responds to U.S. EPA's letter dated April 5, 2013, which was received by CCR USA April 9, 2013.

Please direct future correspondence to the following persons for CCR USA:

Robert L. Hines, Esq. Farella Braun + Martel LLP 235 Montgomery Street, San Francisco, CA 94104 Telephone: (415) 954-4935

Facsimile: (415) 954-4480 Email: rhines@fbm.com

With a copy to:

G. Campbell Irving
Staff Attorney, Corporate Global Marketing & Environmental Law
The Coca-Cola Company
1 Coca-Cola Plaza
Atlanta, GA 30313

Telephone: (404) 515-8009 Email: cairving@coca-cola.com



Abhik Dutta, Civil Investigator May 7, 2013 Page 2

This letter will also serve to advise U.S. EPA that CCR USA is not currently "engaged in voluntary clean-up action, or . . . involved in a lawsuit regarding [the] facility at 5800 3rd Street, San Francisco." In addition, we are in touch with Mr. Batson in the context of his role as Convening Neutral.

Please advise if you have questions or need additional information. We will see you at the meeting(s) set for Thursday, May 9th at Region 9's San Francisco office. Thank you.

Sincerely,

Robert L. Hines

RLH:crm

cc:

Thanne Berg, EPA ORC G. Campbell Irving, CCR USA

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